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5 Attorneys for Defendants
6 COUNTY OF SANTA BARBARA, SHERIFF BILL BROWN
7 SANTA BARBARA SHERIFF'S DEPARTMENT, AND
8 DEPUTY FREDDY PADILLA

9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 JAY RUSSELL SHAFER,

Case No: CV-11-08110 MMM
(FFMx)

13 Plaintiff,

14 v.

**[PROPOSED] ORDER ON
STIPULATION FOR
PROTECTIVE ORDER FOR
INFORMATION EXHCANGED
IN DISCOVERY**

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19 COUNTY OF SANTA BARBARA,
20 BILL BROWN, individually and as
Sheriff of Santa Barbara County,
21 SANTA BARBARA SHERIFF'S
22 DEPARTMENT, DEPUTY FREDDY
23 PADILLA, #2465 individually and as a
peace officer, DOES 1-10, inclusive,

Assigned Judge: Hon. Margaret M.
Morrow
Courtroom: 780

24 Defendants.

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1 PURSUANT TO THE STIPULATION of the parties in the above-entitled
2 action the Court issues the following regarding the exchange of all documents
3 concerning peace officer personnel records as defined by Cal. Penal Code §§
4 832.7 and 832.8, and records described by Cal. Evidence Code §§ 1043, 1045,
5 and 1046, during the discovery process and other proceedings before the
6 magistrate judge, and, in particular, documents produced by Defendants in
7 response to Plaintiff's Interrogatories to Bill Brown nos. 1-8; Plaintiff's
8 Interrogatories to Deputy Freddy Padilla nos. 7-11, 19; and Plaintiff's Requests
9 for Production to County of Santa Barbara nos. 1, 16.

10 The parties hereby agree and stipulate that those documents exchanged
11 are confidential and privileged under state law and as such further agree to the
12 following:

13 1. The documents subject to the protective order concern allegations of
14 police officer misconduct made by citizen complainants regarding incidents
15 other than the incident at issue in this litigation. The documents subject to the
16 protective order are located within two files created and maintained by the
17 Santa Barbara County Sheriff's Department's Internal Affairs Division, Those
18 files contain some or all of the following categories of documents: (a)
19 investigative summary; (b) conclusion; (c) administrative case review and
20 recommendations; (d) witness interview summaries and handwritten interview
21 notes; (e) completed citizen complaint forms; (f) correspondence; (g) offense
22 and incident reports; (h) confidentiality orders to Sheriff's Department
23 witnesses; and (g) investigative materials regarding the complainants.

24 The Sheriff's Department keeps all of these records confidential, in part,
25 to protect the privacy interests of the peace officer subjects of citizen
26 complaints, the complaining citizens and other third party witnesses in the
27 information these individuals disclosed and that the department investigators
28 discovered during the investigation. The Department also has an institutional

1 interest in maintaining the confidentiality of this information to encourage free
2 and unfettered use of the citizen complaint process, and the impartial disclosure
3 of all relevant information by complainants, subjects and witnesses during the
4 investigation. To protect these interests, the Sheriff's Department orders all
5 members of the Department who are asked to provide information during an I
6 investigation of a citizen complaint to fully cooperate, to disclose all
7 information and facts that may be asked of them, and to not discuss the case or
8 their involvement in it with anyone. Any Department employee that violates the
9 confidentiality order is subject to immediate disciplinary action for
10 insubordination. For these reasons, the Sheriff's Department has not only
11 maintained the confidentiality of the files subject to this stipulation for a
12 protective order since they were created, it will also ultimately destroy them
13 pursuant to the California Penal Code and Sheriff's Department policy.

14 2. A protective order is necessary to protect the statutory privileges and
15 privacy interests under the California Constitution of the peace officer subjects
16 of citizen complaints, the complaining citizens and other third party witnesses
17 mentioned in the documents. Because the documents subject to the order do not
18 involve the actions at issue in this litigation the privacy interests under these
19 circumstances are greater in relation to the probative value of the information
20 than they would be if the investigation records concerned the same incident as
21 this litigation.

22 3. The documents disclosed and delivered to Plaintiff's counsel of record
23 in discovery are confidential and privileged, and Plaintiff's counsel shall be
24 responsible for insuring that the terms of this order are complied with.

25 (a) Such information will be treated by Plaintiff and her representatives as
26 confidential, and will not be used for any purpose beyond that of the above-
27 referenced litigation;

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1 b) Such information may be disclosed to the Plaintiff's representatives,
2 including attorneys and experts, as is necessary for purposes of the
3 above-referenced litigation;

4 (c) The designation of materials as confidential does not entitle the
5 parties to have those materials filed under seal;

6 (d) Use of any of the confidential information in motions or other
7 materials filed with the court will be pursuant to an application to the District
8 Judge to submit such confidential information under seal;

9 (e) Any application to file materials under seal must: (1) comply with
10 Local Rule 79-5; (2) seek to file under seal only those portions of the materials
11 that are confidential; (3) be supported by an appropriate showing; and (4) be
12 made to the judicial officer presiding over the proceedings in question.

13 (f) Upon final conclusion of the above-referenced litigation, all
14 designated
15 confidential materials will be returned to defendants.

16 4. The documents and the information contained therein shall be kept
17 confidential and shall be used solely in connection with the preparation and trial
18 of the above civil case and for no other use.

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1 5. The upon final disposition of this case Plaintiff's counsel shall
2 promptly, without request or further order of the court, return all discovered
3 documents and photocopies and/or reproduction of those discovered documents
4 to the attorney of record for defendants.

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6 Dated: June 12, 2012

DENNIS MARSHALL
COUNTY COUNSEL

7
8 By /s/- Kelly D. Scott
9 Kelly D. Scott, Deputy
10 Attorneys for Defendants
11 COUNTY OF SANTA BARBARA,
12 BILL BROWN, SANTA BARBARA
13 SHERIFF'S DEPARTMENT
14 and DEPUTY FREDDY PADILLA

15 Dated: June 12, 2012

The Beck Law Firm

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17 By /s/-Thomas E. Beck
18 Thomas E. Beck, Esq.
19 Attorneys for Plaintiff
20 Jay Russell Shafer

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22 IT IS SO ORDERED.

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24 Dated: June 25, 2012

25 By 
26 Honorable Frederick F. Mum m

27 COUNTY COUNSEL
28 County of Santa Barbara
105 East Anapamu Street
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(805) 568-2950